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EXAMINER

CHODIGLY

ART UNIT

PAPER NUMBER

2535

DATE MAILED: 05/22/07

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/389,915

Applicant(s)

LAM ET AL.

Examiner

Yean-Hsi Chang

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 03 September 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-80 is/are pending in the application.
- 4a) Of the above claim(s) 50-80 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 14-49 is/are rejected.
- 7) ☒ Claim(s) 12 and 13 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 September 1999 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-49, drawn to a display apparatus, classified in class 349, subclass 17.
- II. Claims 50-75, drawn to a computer housing, classified in class 361, subclass 679.
- III. Claims 76, drawn to an antenna, classified in class 343, subclass 793.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions group I (a display apparatus) and group III (an antenna) are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention group I has separate utility such as a TV display and group III an antenna for a radio transceiver. See MPEP § 806.05(d).

3. Inventions group II (a computer housing) and group I (a display apparatus) are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as

claimed because group II (a computer housing) may not include group I (a display apparatus). The subcombination group I has separate utility such as a TV display.

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

5. During a telephone conversation with Mr. Douglas Thomas on 10 May 2001 a provisional election was made with traverse to prosecute the invention of group I, claims 1-49. Affirmation of this election must be made by applicant in replying to this Office action. Claims 50-80 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Specification

7. The disclosure is objected to because of the following informalities: "light emitting diode (LCD) display" on page 7, line 21, has terminology and abbreviation which do not agree to each other; "FIG. 6B is a right side view" on page 5, line 18, and on page 12, line 24, does not agree with fig. 6B which is actually a left side view; "provider" on page 12, line 29, should be "provide"; "810" on page 15, line 13, should be "812 and 813";

and the statement "The LCD panel 402 emits light" on page 9, line 27, is not correct, since LCDs do not emit light.

Appropriate correction is required.

Drawings

8. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "a light panel" in claims 1, 19, and 28; "a light diffuser" in claim 40; and "a light pipe" in claim 46, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

9. The drawings are objected to because "620" in fig. 6B, points to the wrong hole; "616" in fig. 6B points to the wrong edge; and "618" in fig. 6B, has one of its two pointers pointing to the wrong hole. Correction is required.

Claim Objections

10. Claims 13 and 38 are objected to because of the following informalities: an object is missing in claim 13 and claim 38 depends on itself. Appropriate correction is required.

Claim Rejections - 35 USC § 112

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claims 34-38 recites the limitation "A display apparatus as cited in claim 31" in line 1's. There is insufficient antecedent basis for this limitation in the claims.

13. Claim 37 recites the limitation "said display apparatus" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. Claims 1, 19, 28, and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Bejin (US 5,406,729).

Bejin teaches a display apparatus (20 fig. 1) comprising:

- a light source (24, fig. 4)
- a frame (30 and 35, fig. 4) supporting the light source
- a housing (21, fig. 1) having a translucent portion (22, fig. 1)
- a cosmetic shield (43, fig. 4)

16. Claims 31, 33-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohgami et al. (US 5,689,400).

Ohgami teaches a portable computer (1, fig. 1) comprising:

- a hinge (177, fig. 7)
- a housing (not numbered) having a base portion (2, fig. 1) including a processor (not numbered, fig. 3), and a display portion (162, fig. 1) attached to the base portion by the hinge
- the display portion including at least a flat panel display (163, fig. 1), a frame (164, fig. 1), and an outer shell (165, fig. 1) attached to the frame
- the flat display panel is a Liquid Crystal Display (LCD) panel (see col. 16, lines 30-33)

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 2-3, 5-9, 11, 14-18, 20-26, 29-30, and 40-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al. (US 5,422,751) in view of Bejin (US 5,406,729).

Lewis teaches a display apparatus (50, fig. 5) comprising:

- a Liquid Crystal Display (LCD) panel (66, fig. 5)
- a metal frame (69, fig. 5)
- a housing 77, fig. 5)
- an Electro Magnetic Interference (EMI) shield (64, fig. 5) having a plurality of openings (not numbered)
- screws (not numbered) affixing the frame to the housing

Lewis FAILS to disclose substantial portions of the housing being translucent and formed from polycarbonate material, and a cosmetic shield having predetermined design (a symbol or a logo). However, Bejin teaches a display apparatus housing having including translucent portions, and a cosmetic shield with a predetermined design. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Lewis with the housing and cosmetic shield taught by Bejin so that the apparatus will have a logo showing on the housing like most merchandise do.

19. Claims 32, and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohgami et al. (US 5,689,400) in view of Lewis et al. (US 5,422,751).

Ohgami discloses the claimed invention except a metal frame for the LCD panel and an EMI shield for the display apparatus. However, Lewis teaches a display apparatus (50, fig. 5) comprising a metal frame (69, fig. 5) an Electro Magnetic Interference (EMI) shield (64, fig. 5) having a plurality of openings (not numbered). It would have been obvious to one having ordinary skill in the art at the time the invention

was made to modify the display portion of the computer of Ohgami with the metal frame and EMI shield taught by Lewis such that the electromegnetic interference can be reduced or eliminated (see col. 2, lines3-5).

20. Claims 4, 10, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al. (US 5,422,751) in view of Bejin (US 5,406,729). Lewis in view of Bejin discloses the invention except for the portions of the housing made from a polycarbonate material.

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohgami et al. (US 5,689,400) in view of Lewis et al. (US 5,422,751). Ohgami in view of Lewis discloses the claimed invention except for the portions of the housing made from a polycarbonate material.

It would also been obvious to one having ordinary skill in the art at the time the invention was made to have portions of the housing made from a polycarbonate material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of design choice for the purpose of having a housing with translucent portions such that the logo design inside the housing can be seen from outside.

Allowable Subject Matter

21. Claims 12 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and the objected minor informality is corrected.

22. The following is a statement of reasons for the indication of allowable subject matter: In claim 12, "an upper portion of said frame affixes to an upper portion peripheral portion of said housing using a plurality of tongues formed on the upper peripheral portion of said housing which is not taught or suggested in any of the prior arts found. Claim 13 is a dependent claim of claim 12.

Correspondence

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yean-Hsi Chang whose telephone number is (703) 306-5798. The examiner can normally be reached on 07:30-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (703) 308-0538. The fax phone number for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-8558.

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Yean-Hsi Chang

Patent Examiner

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May 15, 2001

2-2-2001